

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CHEMIMAGE CORPORATION

Plaintiff,

v.

JOHNSON & JOHNSON and ETHICON, INC.

Defendants.

Civil Action No. 1:24-cv-  
2646 (JMF)

**DECLARATION OF  
RACHEL SHERMAN**

I, Rachel Sherman, hereby declare and state as follows:

1. I am an attorney admitted to practice in the State of New York, a member of the law firm Patterson Belknap Webb & Tyler LLP, and counsel for Defendants Johnson & Johnson and Ethicon, Inc. (“Defendants”) in the above-captioned matter. I submit this Declaration to amend and correct certain exhibits to the parties’ proposed Joint Pretrial Order (Dkt. 134), after conferring with counsel for Plaintiff.

2. Attached hereto as Exhibit 1 is a copy of Defendants’ deposition designations, with counter-designations and amended objections, originally filed as **Exhibit B** to the parties’ proposed Joint Pretrial Order (Dkt. 134).

3. Pursuant to Rule 1.B of the Court’s Individual Rules and Practices in Civil Cases, attached hereto as Exhibit 2 is a redline of this copy of Defendants’ deposition designations compared to the version originally filed as **Exhibit B** to the parties’ proposed Joint Pretrial Order.

4. Attached hereto as Exhibit 3 is a corrected copy of the annotated transcript from the deposition of David Berkman, originally filed as **Exhibit D** to the parties’ proposed Joint Pretrial Order. This copy of the annotated transcript correctly reflects the parties’ respective

designations and counter-designations as filed as **Exhibit B** to the parties' proposed Joint Pretrial Order, and it was emailed to the Court on January 31, 2025. Please note: no redline against the version previously filed as Exhibit D is attached, due to ECF file size limitations.

5. Attached hereto as Exhibit 4 is a corrected copy of the annotated transcript from the deposition of Jeffrey Cohen, originally filed as **Exhibit E** to the parties' proposed Joint Pretrial Order and emailed to the Court on January 31, 2025, which resolves an apparent OCR error on pages 5-6. Please note: there are no changes otherwise.

6. Attached hereto as Exhibit 5 is a corrected copy of the annotated transcript from the deposition of Lee Glover, originally filed as **Exhibit G** to the parties' proposed Joint Pretrial Order and emailed to the Court on January 31, 2025, which resolves an apparent OCR error on page 4. Please note: there are no changes otherwise.

7. Attached hereto as Exhibit 6 is a corrected copy of the annotated transcript from the deposition of Paul Ritchie, originally filed as **Exhibit J** to the parties' proposed Joint Pretrial Order and emailed to the Court on January 31, 2025, which corrects the annotations for the parties' respective designations for lines 6:8-10 (now highlighted in green, as that testimony was designated by both parties) and 111:6-15 (now highlighted in yellow, as that testimony was designated by Plaintiff).

8. Attached hereto as Exhibit 7 is a copy of the annotated transcript from the deposition of Peter Shen, originally filed as **Exhibit L** to the parties' proposed Joint Pretrial Order and emailed to the Court on January 31, 2025, in order to address an apparent technical error that rendered in grayscale the color highlighting and annotations of the parties' respective designations upon filing. Please note: there are no changes otherwise.

9. Pursuant to Section IX, paragraph 12 of the parties' proposed Joint Pretrial Order, attached hereto as Exhibit 8 is Defendants' amended Exhibit List and objections, originally filed as **Exhibit P** to the same.

10. Pursuant to Rule 1.B of the Court's Individual Rules and Practices in Civil Cases, attached hereto as Exhibit 9 is a redline of Defendants' amended Exhibit List and objections against the version originally filed as **Exhibit P** to the parties' proposed Joint Pretrial Order.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
March 11, 2025

By: /s/ Rachel B. Sherman  
Rachel B. Sherman